

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/7/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICARDO VELASQUEZ,

Plaintiff,

-against-

DUNDEE LLC, a New York limited liability
company, d/b/a CALEDONIA, and TAL
UMATAR LLC, a New York limited liability
company,

Defendants.

1:21-cv-9387-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On May 31, 2022, the Court scheduled an initial pre-trial conference in this matter for July 12, 2022 at 10:30 AM. [ECF No. 21]. The Court directed the parties to submit, one week before the conference, a Proposed Case Management Plan and Scheduling Order and joint letter, as required by this Court's Individual Rules of Practice. [ECF No. 21]. In the Court's order scheduling the initial pre-trial conference, the Court warned the parties that any requests to extend this deadline must be received at least 72 hours before the deadline. [ECF No. 21].

Notwithstanding the Court's instructions, the parties failed to timely file any of the required pre-conference materials. The Court thereafter entered an order admonishing the parties to comply the Court's order dated May 31, 2022 [ECF No. 21] and the Court's Individual Rules of Practice and extending the parties' deadline to submit the pre-conference materials to July 7, 2022 at 12:00 PM. [ECF No. 23]. The Court admonished the parties, in all capitalized, bold, and underlined text, that "**FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN SANCTIONS. THE COURT WILL NOT ADJOURN THIS CONFERENCE**

BECAUSE OF THE PARTIES' FAILURE TO COMPLY WITH THE COURT'S ORDERS." [ECF No. 23].

Subsequent to the entry of this order, the Court received over a dozen phone calls to chambers from the parties. In those calls, the parties repeatedly informed the Court that they were not available for a conference on July 12, 2022 and that they could not timely file the pre-conference materials. The Court directed the parties that any requests for an adjournment should be filed on the docket. The parties thereafter filed a joint letter in which they request that the Court adjourn the initial pre-trial conference. [ECF No. 24]. In that letter, neither party explains why they failed to timely file any Proposed Case Management Plan and Scheduling Order and joint letter, as required by this Court's Individual Rules of Practice and the Court's orders dated May 31, 2022 [ECF No. 21] and July 6, 2022 [ECF No. 23], nor do the parties explain why they waited until *after* the Court's original deadline to submit these materials — and over a month after entry of the order scheduling the deadline for the submission of these materials — to request an adjournment of the conference and an extension of these deadlines.

Accordingly, IT IS HEREBY ORDERED that the initial pre-trial conference scheduled for July 12, 2022 at 10:30 AM is ADJOURNED to August 23, 2022 at 11:00 AM. This conference will be held in-person in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York.


IT IS FURTHER ORDERED that, on or before August 16, 2022 at 12:00 PM, the parties shall submit a Proposed Case Management Plan and Scheduling Order and **JOINT** letter, as required by this Court's Individual Rules of Practice and as specified in the Court's scheduling order at ECF No. 21.

IT IS FURTHER ORDERED that, on or before August 16, 2022 at 12:00 PM, the parties show cause, in writing, why they should not be sanctioned for failure to comply with the Court's orders dated May 31, 2022 [ECF No. 21] and July 6, 2022 [ECF No. 23].

THE PARTIES ARE ADMONISHED THAT FURTHER NONCOMPLIANCE WITH THIS COURT'S ORDERS MAY RESULT IN SANCTIONS, INCLUDING PRECLUSION OF CLAIMS, AND/OR DISMISSAL OF THE CASE. PLAINTIFF ALSO RISKS DISMISSAL OF THE CASE FOR FAILURE TO PROSECUTE. THE COURT WILL NOT ADJOURN THIS CONFERENCE AGAIN BECAUSE OF THE PARTIES' CONTINUED FAILURE TO COMPLY WITH THE COURT'S ORDERS.

SO ORDERED.

Date: July 7, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge